THE HON'BLE SRI JUSTICE G. CHANDRAIAH

W.P.No. 10597 of 2007

Dated:24-05-2007

Between:-

Bh. Ramachandra Raju

..Petitioner

And

The Superintending Engineer,
Irrigation Circle, Eluru,
West Godavari district and two others.

..Respondents.

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

W.P.No. 10597 of 2007

:O R D E R:

The instant writ petition is filed to issue a writ of Mandamus declaring the inaction of the respondents in not considering the petitioner's representation dated 11-04-2005 for the grant of either Tree Patta or for grant of leasehold rights in favour of the petitioner in respect of 200 coconut trees situated on G & V Canal and in contemplating to conduct auction for grant of leasehold rights is highly arbitrary, *mala fide* and violative of principles of natural justice and consequentially direct the respondents to consider the representation of the petitioner and pass appropriate orders.

The case of the petitioner is that he planted 200 coconut saplings in the year 1981 on the bunds of G & V Canal at M. 35/7 to 36/4 and are now grown up for yielding. On his application in the year 1988, the Gram Panchayat of Vissakoderu issued proceedings dated 12-02-1988 recommending the respondents to

grant Tree patta in favour of the petitioner in respect of 200 coconut trees planted as long back as in 1981. While so, on 11-04-2005 the petitioner made a representation to the respondents to grant either Tree Patta or lease out the 200 Coconut trees planted on the bund of G & V Canal in the year 1981. The complaint of the petitioner is that so far his representation was not considered and disposed of even a lapse of more than two years. The further apprehension of the petitioner is that the respondents are going to lease out those 200 coconut trees by way of public auction without considering his representation for grant of Tree Patta or leasehold rights. The Gram Panchayat has also collected tree tax and therefore the petitioner is in a fond hope that after the coconut trees are grown, the same will be allotted in favour of the petitioner either by way of tree patta or on leasehold basis. Contrary to his legitimate expectation, the respondents are contemplating to conduct open auction without considering the representation of the petitioner.

On a query put by this Court as to whether any public auction notification has been issued in respect of 200 coconut trees for grant of Tree Patta or leasehold rights, it is stated that no auction notification has been issued.

Having regarding to the submissions made by the learned counsel for the petitioner and on perusal of the material placed before this Court, I am of the view that without expressing any opinion on the entitlement of the petitioner for 200 coconut trees and since the petitioner made a representation dated 11-04-2005, which is still pending, justice demands that the respondents shall have to act in accordance with law by passing appropriate orders on the representation of the petitioner dated 11-04-2005. Therefore, I deem it proper to direct the 1st respondent to consider

and dispose of the representation dated 11-04-2005 of the petitioner in accordance with law, within a period of two weeks from the date of receipt of the copy of this order.

The writ petition is accordingly disposed of. No costs.

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G. CHANDRAIAH, J

Dated: 24-05-2007.
Pvks/*
Nb:- Furnish c.c. in two days.
B/o pvks/*